

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MAKALA SAMARA NEVAH
ALLEN, a/k/a MAKALA WALKER, and
KE'SEAN MARQUIS WALKER, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CHRISTINA DENISE WALKER,

Respondent-Appellant,

and

RAMANO ALLEN,

Respondent.

In the Matter of ENVY JADA MONAE ALLEN,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CHRISTINA DENISE WALKER,

Respondent-Appellant,

and

RAMANO ALLEN,

Respondent.

UNPUBLISHED

March 24, 2005

No. 256916

Wayne Circuit Court

Family Division

LC No. 03-416027-NA

No. 258211

Wayne Circuit Court

Family Division

LC No. 03-416027-NA

Before: Murray, P.J., and Markey and O'Connell, JJ.

PER CURIAM.

In these consolidated appeals, respondent Christina Denise Walker appeals as of right from the trial court's orders terminating her parental rights to the minor children Makala and Ke'Sean under MCL 712A.19b(3)(b)(ii), (c)(i), (g), (j), and (k)(i) and to the minor child Envy under MCL 712A.19b(3)(g), (i), and (j). We affirm. These appeals are being decided without oral argument pursuant to MCR 7.214(E).

An original petition was filed with regard to respondent's two older children, Makala and Ke'Sean, alleging that respondent tested positive for marijuana, that the house respondent and her children were living in was overcrowded and in need of repair, and that respondent abandoned one of the children. A month before respondent's parental rights were terminated to these children, respondent gave birth to another baby, Envy. Respondent's parental rights to this child were subsequently terminated. Respondent appeals both orders.

The termination of parental rights is appropriate where petitioner proves by clear and convincing evidence at least one ground for termination. *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000). Once this has occurred, the trial court shall terminate parental rights unless it finds that the termination is clearly not in the best interests of the children. *Id.* at 353. This Court reviews the trial court's findings under the clearly erroneous standard. *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999).

The conditions that led to adjudication concerning respondent's two older children were respondent's substance abuse, environmental neglect, and the abandonment of one of the children. Trial testimony revealed that respondent failed to comply with the treatment plan with regard to her substance abuse problem. Respondent provided only six of the twenty-one drug screens requested for 2004, and these screens were not provided on the requested dates and were thus considered positive. Respondent also failed to provide documentation demonstrating that she attended NA/AA meetings. While there was evidence that respondent was participating in an outpatient drug treatment program, testimony revealed that respondent only sporadically attended this program and that her prognosis was not good. Although respondent had obtained proper shelter at her mother's home at the time of the termination trial, she still had not obtained employment or legal income. Respondent testified that she had filed for some kind of assistance but did not state what kind of assistance she had applied for and if she was in fact going to receive such assistance. In addition, respondent testified that she was planning on working for her former employer, but it appears that she had not been hired at the time of trial. The evidence also established that respondent abandoned Makala when she had a friend leave the then eight-week-old baby on the child's father's porch, in January, without his knowledge. Therefore, the trial court did not err in finding that clear and convincing evidence existed warranting termination.

Finally, we disagree with respondent's contention that termination of her parental rights to these children was not in their best interests. The testimony revealed that there was not a bond between respondent and her children, and the evidence did not show that termination would be against the children's best interests.

Respondent also contends that the trial court clearly erred in terminating her parental rights to her third child, Envy. Respondent argues both that the trial court erred because she was not presented with a treatment plan with regard to this child and that she could not complete the treatment plan for this child because she was sick during her pregnancy. With regard to the argument that the trial court erred because respondent was not presented with a treatment plan, we conclude that because respondent did not raise this argument below, and because respondent fails to include any relevant authority to support this contention, respondent has abandoned appellate review of this claim. *Etefia v Credit Technologies, Inc*, 245 Mich App 466, 471; 628 NW2d 577 (2001). Regarding respondent's argument that she should have been given a second chance to comply with the treatment plan, this Court has recently emphasized that once statutory grounds for termination are established by clear and convincing evidence, a court must immediately terminate parental rights absent a finding that to do so would be against the child's best interests. *In re Gazella*, 264 Mich App 668; ___ NW2d ___ (2005). See also MCL 712A.19b(5).

After reviewing the record before this Court, we find that the trial court properly found that clear and convincing evidence was presented warranting termination of respondent's parental rights to Envy under MCL 712A.19b(3)(g), (i), and (j). Respondent's continued drug use support the trial court's finding that respondent failed to provide proper care for the child and that there was a reasonable likelihood that the child would be harmed if returned to respondent's care. In addition, the trial court properly found that the evidence did not show that termination of respondent's parental rights was clearly not in the child's best interest. Therefore, the trial court did not err by failing to give respondent a second chance to comply with the treatment plan and terminating her parental rights to this child.

Affirmed.

/s/ Christopher M. Murray

/s/ Jane E. Markey

/s/ Peter D. O'Connell